

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Thompson et al.  
 Serial No.: 09/883,089  
 Filed: 15 June 2001  
 For:  
 Systems for Applying Ultrasound Energy to the Thoracic Cavity

Group No.: 3737  
 Examiner: R. Smith



**Response under 37 CFR 1.116  
 Expedited Procedure  
 Examining Group: 3737**

Mail Stop AF  
 Commissioner for Patents  
 PO Box 1450  
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*NOTE: To take advantage of the expedited procedure the envelope in which this paper is mailed must be addressed as shown and must also be marked "Box AF" in the lower left hand corner. Alternatively this paper can be hand carried to the particular Examining Group or other area of the Office in which the application is pending, in which case any envelope in which this paper is placed must be marked as in the bold type box above. Notice of September 20, 1985 (1059 O.G. 19-20).*

**AMENDMENT OR RESPONSE AFTER FINAL REJECTION - TRANSMITTAL**

- Transmitted herewith is an amendment after final rejection (37 CFR 1.116) for this application.

*NOTE: Response to Final Rejection - Avoiding Extension Fees "In patent applications wherein a three month Shortened Statutory Period (SSP) is set for response to a Final Rejection, the response would best be filed within two months of the date of the Office Action. If filed within two months, any Advisory Action mailed after the SSP expires will reset the SSP to expire on the date of the Advisory Action for extension fee purposes, but never more than six months from the Final Rejection." Notice of November 30, 1990 (122 O.G. 571 to 591).*

**STATUS**

- Applicant is

[ x ] a small entity  
 [ ] other than a small entity.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United State Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed as follows: Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

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Date: 30 January 2008

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## EXTENSION OF TERM

**NOTE:** "Extension of Time in Patent Cases (Supplement Amendments) - If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

**NOTE:** See 37 CFR 1.645 for extensions of time in interference proceedings and 37 CFR 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply  
(complete (a) or (b) as applicable)

(a)  [x] Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)(1) - (a)(5)) for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>Small Entity</u>	Fee for <u>Small Entity</u>
[ ] one month	\$ 120.00	\$ 60.00
[ ] two months	\$ 460.00	\$ 230.00
[x] three months	\$1050.00	\$ 525.00
[ ] four months	\$1640.00	\$ 820.00
[ ] five months	\$2230.00	\$1115.00

Fee: \$ 525.00

If an additional extension of time is required please consider this a petition therefor.

(check and complete the next item, if applicable)

[x] An extension for three months has already been secured and the fee paid therefor of \$ 525.00 is deducted from the total fee due for the total months of extension now requested. Applicant has simultaneously filed a Brief on Appeal and paid the extension fee of three months with the Brief.

Extension fee due with this request: \$ - 0 -

OR

(b)  [ ] Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

Submission Fee Under 37 CFR 1.129(a)

[x] Small Entity: \$405.00  
 [ ] Other than a Small Entity \$810.00

## FEE FOR CLAIMS

4. The fee for claims (37 CFR 1.16(b)-(d)) has been calculated as shown below:

	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra	Rate	Additional Fee (Small Entity)	Additional Fee (Large Entity)
Filing a Submission After Final Rejection (37 CFR 1.129(a))					\$405	\$810
Total Claims (37 CFR 1.16(i))*	12	-20 =	(8)	x \$25.00	\$0	\$0
Independent Claims (37 CFR 1.16(h))**	1	-3 =	(2)	x \$ 105.00	\$0	\$0
First Presentation of Multiple Dependent claim(s) if any (37 CFR 1.16(j))				\$185.00	\$0	\$0
<b>Total Additional Fee</b>					<b>\$405</b>	<b>\$810</b>

\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** *"After final rejection or action (S 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 CFR S 1.116(a) (emphasis added).*

(complete (c) and (d) as applicable)

(d) [ x ] Total additional filing fee required      \$ 405.00  
 (e) [ ] Extension of Time, if required      \$ \_\_\_\_\_

**TOTAL FEE DUE**      \$ 405.00

## FEE PAYMENT

5. [ x ] Attached is a check in the sum of \$ 405.00.  
 [ ] Charge Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_.

## FEE DEFICIENCY

**NOTE:** *If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).*

6. [ x ] If any additional extension and/or fee is required, charge Account No. 06-2360.

AND/OR

[ x ] If any additional fee for claims is required charge Account  
No. 06-2360



SIGNATURE OF ATTORNEY

Reg. No.: 29,243

Daniel D. Ryan

TYPE OR PRINT NAME OF ATTORNEY

Tel. No.: (262) 783 - 1300

RYAN KROMHOLZ & MANION, S.C.

Customer No.: 26308

P.O. ADDRESS

POST OFFICE BOX 26618

Milwaukee, Wisconsin 53226